

IN THE
ARIZONA COURT OF APPEALS
DIVISION TWO

THE STATE OF ARIZONA,
Appellee,

v.

CORNELIA BERGLAND,
Appellant.

No. 2 CA-CR 2016-0156
Filed December 8, 2016

THIS DECISION DOES NOT CREATE LEGAL PRECEDENT AND
MAY NOT BE CITED EXCEPT AS AUTHORIZED BY APPLICABLE RULES.

NOT FOR PUBLICATION

See Ariz. R. Sup. Ct. 111(c)(1); Ariz. R. Crim. P. 31.24.

Appeal from the Superior Court in Gila County
No. S0400CR201400408
The Honorable Timothy M. Wright, Judge

AFFIRMED

COUNSEL

Emily Danies, Tucson
Counsel for Appellant

STATE v. BERGLAND
Decision of the Court

MEMORANDUM DECISION

Judge Miller authored the decision of the Court, in which Presiding Judge Vásquez and Chief Judge Eckerstrom concurred.

M I L L E R, Judge:

¶1 After a jury trial, Cornelia Bergland was convicted of aggravated driving under the influence of an intoxicant and aggravated driving while having an alcohol concentration of .20 or greater. The trial court suspended the imposition of sentence and placed Bergland on concurrent, twenty-eight-month terms of probation, including as a condition of probation that Bergland serve a four-month prison term.

¶2 Counsel has filed a brief in compliance with *Anders v. California*, 386 U.S. 738 (1967), and *State v. Clark*, 196 Ariz. 530, 2 P.3d 89 (App. 1999), asserting she has reviewed the record but found no arguably meritorious issue to raise on appeal. Consistent with *Clark*, 196 Ariz. 530, ¶ 32, 2 P.3d at 97, she has provided “a detailed factual and procedural history of the case with citations to the record” and asks this court to search the record for error. Bergland has not filed a supplemental brief.

¶3 Viewing the evidence in the light most favorable to sustaining the jury’s verdicts, *see State v. Tamplin*, 195 Ariz. 246, ¶ 2, 986 P.2d 914, 914 (App. 1999), sufficient evidence supports them here. In October 2013, Bergland, whose driver’s license had been suspended, crashed her car into a guardrail; she showed numerous signs of intoxication and admitted she had been drinking, and breath testing showed her alcohol concentration to be .249 and .233 within two hours of the accident. *See* A.R.S. §§ 28-1381(A)(1), 28-1382(A)(2), 28-1383(A)(1). Although Bergland testified at trial that she had not been driving, her companion had injuries consistent with having been seated in the passenger seat, Bergland was

STATE v. BERGLAND
Decision of the Court

bleeding from her right knee and blood was found on the driver's side underneath the dashboard, and Bergland told the investigating highway patrol officer that she had swerved to avoid an animal. The terms of Bergland's probation are authorized by statute and were imposed in a lawful manner. A.R.S. §§ 13-901(A), (B), 13-902(A)(3), 28-1383(D), (L)(1).

¶4 Pursuant to our obligation under *Anders*, we have searched the record for fundamental error and found none. *See State v. Fuller*, 143 Ariz. 571, 575, 694 P.2d 1185, 1189 (1985). Accordingly, we affirm Bergland's convictions and disposition.